

Appl. No. 10/765,660
Docket No. H1799-00216
Reply to Office Action of January 26, 2005

REMARKS/ARGUMENTS

As a result of this Amendment, claims 1-2, 5-10, 15-18, 21-26, 31 and 59 are under active consideration in the subject patent application.

In the Official Action, the Examiner has:

- (1) identified claims 1-49 and claims 50-58, as standing subject to a restriction requirement under 35 U.S.C. §121;
- (2) identified an alleged species illustrated by Figs. 1-18, an alleged species illustrated by Figs. 19-36, an alleged species illustrated by Figs. 44-51, and an alleged species as claimed in claims 44-47 and 49, as standing subject to a election of species requirement under 35 U.S.C. §121;
- (3) acknowledged Applicants' provisional election of claims 1-49, and an election of species of of figures 19-36, claims 1-31;
- (4) rejected claims 3, 5-12, 14, 21-23, 25-26, 28 and 30 under 35 U.S.C. §112, second paragraph;
- (5) rejected claims 1, 2, 4-7, 13-18, 20-23, and 29-30 under 35 U.S.C. §102(b) in view of the proposed combination of Japanese Patent No. JP 359024538A, issued to Yoshizumi et al. and U.S. Patent No. 3,828,849, issued to Corman et al.;
- (6) rejected claims 1-2, 4-7, 13 – 18, 20-23, 26 and 29-30 under 35 U.S.C. §103 (a) in view of the proposed combination of U.S. Pat. No. 3,762,011,

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issued to Staudhammer et al. and U.S. Patent No. 3,828,849, issued to Corman et al.;

(7) objected to claims 19, 24, and 30 as being dependent upon a rejected base claim, and indicating that claims 19, 24, and 30 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims;

(8) identified claim 31 as presenting allowable subject matter; and

(9) identified prior art made of record and not relied upon but considered pertinent to Applicant's disclosure.

With regard to Items 1 and 2, Applicants confirm the election to prosecute the invention of claims 1-49 and the election of Figs. 19-36 that read upon claims 1-31. Claims 3, 4, 11-14, 19-20, 27-30, and 32-58 have been cancelled without prejudice. Applicants expressly reserve the right to prosecute the non-elected subject matter in related applications.

With regard to Items 4-7, Applicants have amended claims 5-10, 21-23, 25, and 26 so as to correct the indefinite issues raised by the Examiner. Claims 5-10, 21-23, 25, and 26, as amended, are definite. Accordingly, withdrawal of the rejection of these claims under 35 U.S.C. §112, second paragraph is requested.

Applicants have amended independent claim 1 so as to incorporate the allowable subject matter from now canceled dependent claims 3 and 19. Claim 1 is allowable for all of the reasons set forth by the Examiner. Applicants have

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amended independent claim 15 so as to incorporate the allowable subject matter from now canceled dependent claim 19. Claim 15 is allowable for all of the reasons set forth by the Examiner. Applicants have amended independent claim 17 so as to incorporate the allowable subject matter from now canceled dependent claim 19. Claim 17 is allowable for all of the reasons set forth by the Examiner. Applicants have amended claim 24 so as to present it in independent form incorporating the allowable subject matter from independent claim 17. Claim 24 is allowable for all of the reasons set forth by the Examiner. New claim 59 has been added to present the allowable subject matter from now canceled claim 30 in independent form. Claim 59 is allowable for all of the reasons set forth by the Examiner.

Applicants categorically disagree with the Examiner's allegation that claims 1, 2, 4-7, 13-18, 20-23, and 29-30 in view of Japanese Patent No. JP 359024538A, issued to Yoshizumi et al. and U.S. Patent No. 3,828,849, issued to Corman et al., or that claims 1-2, 4-7, 13 - 18, 20-23, 26 and 29-30 are unpatentable in view of the proposed combination of U.S. Pat. No. 3,762,011, issued to Staudhammer et al. and U.S. Patent No. 3,828,849, issued to Corman et al. However, in an effort to expedite the prosecution of this application, Applicants have cancelled or amended claims, without prejudice to their right to pursue the subject matter presented by those claims in related applications. Applicants' actions in this case are not intended to be an admission of any kind with regard to Japanese Patent No. JP 359024538A, U.S. Patent No. 3,828,849,

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or the proposed combination of U.S. Pat. No. 3,762,011, and U.S. Patent No. 3,828,849, or their bearing upon the patentability of the subject matter presented in any of the now canceled claims.

With regard to Item 8, Applicants acknowledge with appreciation the Examiner's determination that claim 31 is allowable over the prior art of record in the case.

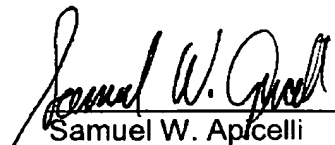
With regard to Item 9, Applicants have considered the prior art references identified by the Examiner as pertinent and determined that none of them, taken alone, or in any valid combination with the Yoshizumi or Corman references anticipates or renders obvious the present invention.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If a telephone conference would be of assistance in advancing prosecution of the above-identified application, Applicants' undersigned Attorney invites the Examiner to telephone him at 717-237-5516.

Respectfully Submitted,

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